

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JAMES E. MILLER, JR.,**

**Plaintiff,**

**v.**

**MADISON COUNTY JAIL, et al.,**

**Defendants.**

**Case No. 04-cv-843-DRH**

**ORDER**

**HERNDON, District Judge:**

Before the Court is Plaintiff's Motion to Reopen Case (Doc. 35), to which Defendants have timely opposed (Doc. 36). The substance of Plaintiff's Motion is the subject of the Plaintiff's Notice of Appeal (Doc. 32) and consequently the appeal now pending with the Seventh Circuit. (See the Court's prior Order (Doc. 27) which adopted the Report and Recommendation (Doc. 24) to dismiss Plaintiff's claims without prejudice for want of prosecution.) Because this matter is currently on appeal to the Seventh Circuit, the Court no longer has jurisdiction over this case until Plaintiff's appeal is resolved. Therefore, Plaintiff's Motion to Reopen Case (Doc. 35) is **DISMISSED** for lack of jurisdiction.

**IT IS SO ORDERED.**

Signed this 17<sup>th</sup> day of November, 2006.

/s/ David RHerndon  
**United States District Judge**